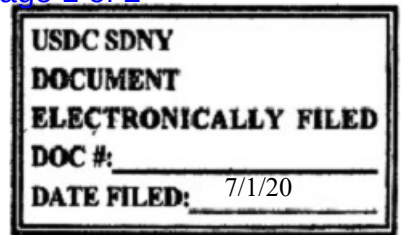


FLYNN & WIETZKE, P.C.

1205 Franklin Avenue, Suite 370
Garden City, N.Y. 11530
Tel: (516) 877-1234 Fax: (516) 877-1177



Marc Wietzke, Esq.
Admitted in NY & NJ

Sean Constable, Esq.
Admitted in NY & MA

Michael Flynn, Esq., Of Counsel

Offices throughout the Northeast
Toll Free: (866) 877-FELA

MEMO ENDORSED

June 30, 2020

Email: Moses_NYSDChambers@nysd.uscourts.gov

Magistrate Judge Barbara C. Moses
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: ALLEY V. LONG ISLAND RAILROAD COMPANY
19 Civ. 7530 (LGS)

Dear Magistrate Judge Moses:

This office represents the plaintiff in the above-referenced matter. I write jointly with counsel for defendant in connection with the continued settlement conference scheduled for tomorrow. As mentioned to Your Honor's clerk, Samantha, the parties have engaged in much discussion following the last settlement session.

The discussions occurred both before and after the decision by Judge Schofield on the motion in limine. While the parties moved on their official settlement positions, with plaintiff responding to defendant's \$45,000 offer by reducing her demand to \$700,000 and defendant in turn increasing its offer to \$65,000, it has become apparent that the parties will remain hundreds of thousands of dollars apart in their final settlement positions. Consequently, it appears that it would be futile to ask the Court to host tomorrow's settlement conference. We apologize for the late nature of this request, however conversations were continuing throughout the early afternoon today.

It is therefore respectfully requested by both sides that the settlement conference for tomorrow be cancelled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marc Wietzke".

Marc Wietzke

MW:EF

Cc: Andrew Muccigrosso, Esq.

Application GRANTED IN PART. Counsel shall dial in to the July 1 teleconference, as previously directed in this Court's June 4 Order (Dkt. No. 37), but clients need not attend. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses".

Barbara Moses, U.S.M.J.

July 1, 2020